

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

LEON ANDRE SMITH,  
Plaintiff

v.

SUE BLAIR, KORY STONE,  
JAMES HONSINGER,  
BENNIE WOODS,  
Defendants

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File No. 1:06-CV-247

**ORDER**

The Magistrate Judge's Report and Recommendation was filed July 16, 2007 (Paper 17). After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's motion for summary judgment (Paper 8) is DENIED without prejudice to refile at a later stage in the case.

This matter is returned to Magistrate Judge Niedermeier for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 6<sup>th</sup> day of August, 2007.

/s/ J. Garvan Murtha  
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J. Garvan Murtha  
United States District Judge